

REMARKS

This amendment is in response to the Official Action dated May 12, 2009. Claims 1, 8 and 10 have been amended, claim 9 has been canceled, and no claims have been added; as such, claims 1-8 and 10 are now pending in this application. Claims 1, 8 and 10 are independent claims. Reconsideration and allowance is requested in view of the following remarks. These amendments add no new matter.

35 USC 112, 2nd ¶ Rejections

Claims 1-10 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the claims are confusing and indefinite because the body of the claims fails to define the structure of the apparatus or the active steps of manipulation of the method.

Applicant has amended claims 1-10 according to the Examiner's instruction. Accordingly, Applicant requests withdrawal of the rejection.

Conclusion

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Application No. 10/574,930
Amendment dated July 27, 2009
Reply to Office Action of May 12, 2009

Docket No.: SON-3118

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3118 from which the undersigned is authorized to draw.

Dated: July 27, 2009

Respectfully submitted,

By 

Christopher M. Tobin

Registration No.: 40,290

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Applicant